

REMARKS**Summary of the Office Action**

Claims 1-2 and 4-5 stand rejected under 35 U.S.C. 103(a) as being unpatentable over what the Office Action allegedly refers to as “common knowledge in the art” or reference US 5,493,111 and JP 4,359,855 or reference US 6,989,632.

Claim 3, while objected to as being dependent upon a rejected base claim, would be allowable if rewritten in independent form.

Summary of the Response to the Office Action

Applicants have amended independent claims 1 and 4 to differently describe embodiments of the disclosure of the instant application. Applicants have amended claim 3 to rewrite it in independent form in accordance with the Office Action’s indication of allowable subject matter. The dependency of claim 2 has been amended so that it now depends on amended independent claim 3. Accordingly, claims 1-5 remain currently pending for consideration.

Rejections under 35 U.S.C. § 103(a)

Claims 1-2 and 4-5 stand rejected under 35 U.S.C. 103(a) as being unpatentable over what the Office Action allegedly refers to as “common knowledge in the art” or reference US 5,493,111 and JP 4,359,855 or reference US 6,989,632.

The Examiner is thanked for the indication that claim 3, while objected to as being dependent upon a rejected base claim, would be allowable if rewritten in independent form.

Applicants have amended claim 3 to rewrite it in independent form in accordance with the Office Action's indication of allowable subject matter. The dependency of claim 2 has been amended so that it now depends on amended independent claim 3. Accordingly, claim 3 is now in prima-facie condition for allowance in light of the Office Action's indication of allowable subject matter. Withdrawal of the objection to claim 3 is thus respectfully requested.

Applicants have amended independent claims 1 and 4 to differently describe embodiments of the disclosure of the instant application. To the extent that these rejections might be deemed to still apply to the claims as newly-amended, they are respectfully traversed for at least the following reasons.

Independent claim 1 has been newly-amended to describe a combination of features of a photomultiplier including detailed structure of an electron multiplier section. More particularly, the structure of an electron multiplier section is described with regard to a base and a plurality of wall portions each having a plurality of protrusions provided thereon. The claimed base has a main surface facing a photocathode such that the electrons from the photocathode reach and can propagate thereon. The claimed wall portions are directed provided on the main surface of the base so as to guide the electrons, which have reached and exist on the main surface of the base, in a predetermined direction. Therefore, Applicants respectfully submit that the wall portions respectively extend along the predetermined direction (the electron propagation direction). Applicants respectfully submit that the cited references do not teach, or even suggest, an electron multiplier having such a structure.

On the other hand, independent claim 4 has been newly-amended to describe a combination of features of a photomultiplier including detailed structure of an outer casing as

well as a structural relationship between the electron multiplier and a part of the outer casing. More particularly, the structure of an outer case is described with regard to a plurality of glass frames and a plurality of silicon frames. These glass frames and silicon frames are alternately laminated and are anodic bonded to each other. In particular, through holes that constitute an electron multiplier are directly provided in one of the plurality of silicon frames. Therefore, the claimed electron multiplier is integrally formed in the silicon frame part of the outer casing. Applicants respectfully submit that the cited references do not teach, or even suggest such structural features of newly-amended independent claim 4 of the instant application.

Accordingly, Applicants respectfully assert that the rejections under 35 U.S.C. § 103(a) should be withdrawn because the applied art of record, whether taken separately or combined, do not teach or suggest each feature of independent claims 1 and 4 of the instant application, as newly-amended. As pointed out by MPEP § 2143.03, “[a]ll words in a claim must be considered in judging the patentability of that claim against the prior art.’ In re Wilson, 424 F.2d 1382, 1385, 165 USPQ 494, 496 (CCPA 1970).”

Furthermore, Applicants respectfully assert that the dependent claims are allowable at least because of their dependence from independent claim 1, 3 or 4, and the reasons discussed previously.

CONCLUSION

In view of the foregoing amendments and remarks, withdrawal of the rejections and allowance of all pending claims are earnestly solicited. Should the Examiner feel that there are any issues outstanding after consideration of this response; the Examiner is invited to contact Applicants’ undersigned representative to expedite prosecution. A favorable action is awaited.

EXCEPT for issue fees payable under 37 C.F.R. § 1.18, the Commissioner is hereby authorized by this paper to charge any additional fees during the entire pendency of this application including fees due under 37 C.F.R. § 1.16 and 1.17 which may be required, including any required extension of time fees, or credit any overpayment to Deposit Account No. 50-0573.

This paragraph is intended to be a **CONSTRUCTIVE PETITION FOR EXTENSION OF TIME** in accordance with 37 C.F.R. § 1.136(a)(3).

Respectfully submitted,

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